

REMARKS

Claims 1-42 are pending in the application, and claims 1-42 have been rejected.

Claims 1, 19, 21-23, 26, 27, and 34-38 have been amended.

Reconsideration of this application in light of the above amendments and the following remarks is requested.

I. Rejections Under 35 U.S.C. §102

Claim 1

Claim 1 recites the following:

1. A method for lawful interception of communication information comprising:
selecting a location for intercepting a communication in a packet data network based at least in part on an event type;
receiving an intercept request for authorized interception of information of a communication with a target device, wherein the authorized request is associated with a predetermined event having an event type of a plurality of event types;
detecting the occurrence of the predetermined event in said packet data network;
gathering a set of communication information relating to the type of the predetermined event from said communication at said selected location in response to detection of the occurrence of said type of the predetermined event, wherein information associated with the communication of other event types of the plurality of event types is not gathered; and
transmitting said gathered communication information to at least one law enforcement agency.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0150096 to Sjoblom ("Sjoblom")

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the Sjoblom reference must contain all of the above claimed elements of the claim. However, contrary to the Examiner's position that all elements are disclosed in the Sjoblom reference, Sjoblom does not disclose

receiving an intercept request for authorized interception of information of a communication with a target device, “wherein the authorized request is associated with a predetermined event having an event type of a plurality of event types” nor gathering a set of communication information relating to the type of the predetermined event from said communication at said selected location in response to detection of the occurrence of said type of the predetermined event, “wherein information associated with the communication of other event types of the plurality of event types is not gathered”

With regard to the claim 1 limitation of “receiving an intercept request for authorized interception of information of a communication with a target device, wherein the intercept request is associated with a predetermined event having an event type of a plurality of event types,” Applicant notes that Sjoblom only describes a lawful authorization that specifies an intercept target, e.g., a person’s name or MSISDN number, and authorized interception period (See, for example, Sjoblom, Paragraph 0005, Lines 1-6). No mechanism is described or suggested by Sjoblom for receiving an intercept request that is **associated with a predetermined event having an event type of a plurality of event types**. For at least this reason, Sjoblom is insufficient to anticipate claim 1, and withdrawal of the rejection of claim 1 is thus requested.

With regard to the claim 1 limitation of “gathering a set of communication information relating to the type of the predetermined event from said communication at said selected location in response to detection of the occurrence of said type of the predetermined event, wherein information associated with the communication of other event types of the plurality of event types is not gathered,” Applicant notes Sjoblom describes the common collection and association of various information related to different event types of a communication. For example, Sjoblom recites the following:

The IRI detector 32 is adapted to detect the necessary interception related information associated to the communication to be intercepted and creates data packets (as shown in FIG. 2) in which the interception related information (IRI) is included in the user data and in which the header provides room for the session identifier and the order number.

[0062] Likewise, the CC detector 32 is adapted to detect the communication contents of the communication to be intercepted and creates data packets (as shown in FIG. 2) in which the communication data is included in the user data (e.g. intercepted IP packet header and payload contents) and in which the header provides room for the session identifier and the order number.

Paragraph 0061-0062.

Reference numeral 37 denotes a transmitter which transmits the CC packets and the IRI packets via the network to the LEA 1

Paragraph 0065.

Here, Sjoblom describes common collection of various information, e.g., communication content (CC) as well as interception related information (IRI), without regard to any event type associated with collected information. Thus, Sjoblom does not provide any description or suggestion for a mechanism that facilitates collection of information of a particular event type for which a law enforcement agency is authorized to obtain while excluding or otherwise not gathering other information associated with the intercepted communication for which the law enforcement agency is not authorized to obtain. For at least this reason, Sjoblom is insufficient to anticipate claim 1, and withdrawal of the rejection of claim 1 is thus requested.

Therefore, the rejection is not supported by the Sjoblom reference and should be withdrawn.

Amended independent claims 19 and 26 recite similar features as claim 1 and were rejected for similar rationale. Therefore, the same distinctions between Sjoblom and the claimed invention in claim 1 apply for claims 19 and 26. For the reasons described above with regard to claim 1, Sjoblom does not contain all elements of independent claims 19 and 26. Hence, Sjoblom fails to anticipate claim 19 and 26. Consequently, it is respectfully urged that the rejection of claims 19 and 26 has been overcome, and withdrawal of the rejection thereto is thus requested.

II. Rejections Under 35 U.S.C. §103

Claim 27

Claim 27 recites the following:

27. A system for lawful interception of communication related information, comprising:

a base station for receiving an event from an intercept device in a packet mode data network, wherein the intercept device is associated with an intercept request for authorized interception of information of a communication with the intercept device, and wherein the intercept request is associated with a first event having an event type of a plurality of event types;

a node operable to communicate with said base station; and

a surveillance access point (SAP) operable to communicate with said node, wherein said SAP intercepts the communication upon the detection of said first event in said packet mode data network, and wherein said SAP gathers information relating to the event type of the first event from said intercepted communication upon the detection of the event type and provides said gathered information to a law enforcement agency, and wherein information associated with the communication of other event types of the plurality of event types is not gathered.

Claim 27 was rejected under 35 U.S.C. § 103 as being unpatentable over Sjoblom in view of U.S. Patent No. 6,470,075 to Prieur ("Prieur"). Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claim 27.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for the following, mutually exclusive, reasons.

1. Even When Combined, the References Do Not Teach the Claimed Subject Matter

The Sjoblom and Prieur references cannot be applied to reject claim 27 under 35 U.S.C. § 103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since neither Sjoblom nor Prieur teaches a base station for receiving an event from an intercept device associated with an intercept request “wherein the intercept request is associated with a first event having an event type of a plurality of event types” and wherein a SAP gathers information relating to the event type and “information associated with the communication of other event types of the plurality of event types is not gathered” as is claimed in claim 27, it is impossible to render the subject matter of claim 27 as a whole obvious, and the explicit terms of the statute cannot be met.

As discussed above with regard to claim 1, Sjoblom does not describe or suggest a system for receiving an event from an intercept device associated with an intercept request “wherein the intercept request is associated with a first event having an event type of a plurality of event types” and wherein a SAP gathers information relating to the event type and “information associated with the communication of other event types of the plurality of event types is not gathered.” Additionally, the Examiner has conceded that Prieur describes intercepting both call content and call identification information. For example, the Examiner stated the following:

Prieur also discloses in col. 5, lines 49 to col. 6, lines 2, of SAP (IAP 14) **intercepts the call content and the call identification information**, which is then delivered through the delivery function 18 to the Law Enforcement Agency 30.

Office Action dated 10/13/2006, Page 13 (**Emphasis added**).

Thus, Prieur does not describe a system for receiving an event from an intercept device associated with an intercept request “wherein the intercept request is associated with a first event having an event type of a plurality of event types” and wherein a SAP gathers information relating to the event type and “information associated with the communication of other event types of the plurality of event types is not gathered” and provides for none of the deficiencies of Sjoblom.

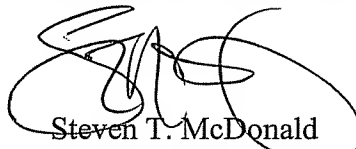
Thus, Sjoblom and Prieur do not provide a *prima facie* case of obviousness, and the rejection under 35 U.S.C. §103 of claim 27 should be withdrawn.

III. Conclusion

It is clear from all of the foregoing that independent claims 1, 19, 26, and 27 are in condition for allowance. Dependent claims 2-18, 20-25 and 28-42 depend from and further limit independent claims 1, 19, 26, and 27 are therefore allowable as well.

An early formal notice of allowance of claims 1-42 is requested.

Respectfully submitted,


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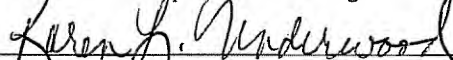
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